

(3) Rely on previously issued interpretive rulings dealing with the same or a related issue.

(g) *Informal conference.* DOE, on its own initiative, may convene an informal conference with the person requesting an interpretive ruling.

(h) *Effect of an interpretive ruling.* The authority of an interpretive ruling shall be limited to the person requesting such ruling and shall depend on the accuracy and completeness of the facts and circumstances on which the interpretive ruling is based. An interpretive ruling by the Assistant Secretary shall be final for DOE.

(i) *Reliance on an interpretive ruling.* No person who obtains an interpretive ruling under this section shall be subject to an enforcement action for civil penalties or criminal fines for actions reasonably taken in reliance thereon, but a person may not act in reliance on an interpretive ruling that is administratively rescinded or modified, judicially invalidated, or its prospective effect is overruled by statute or regulation.

(j) *Denials of requests for an interpretive ruling.* DOE shall deny a request for an interpretive ruling if DOE determines that—

(1) There is insufficient information upon which to base an interpretive ruling;

(2) The questions posed should be treated in a general notice of proposed rulemaking under 42 U.S.C. 7191 and 5 U.S.C. 553;

(3) There is an adequate procedure elsewhere in this part for addressing the question posed such as a petition for exemption; or

(4) For other good cause.

(k) *Public file.* DOE may file a copy of an interpretive ruling in a public file labeled “Interpretive Rulings Under 10 CFR Part 490” which shall be available during normal business hours for public inspection at the DOE Freedom of Information Reading Room at 1000 Independence Avenue, SW, Washington, DC 20585, or at such other addresses as DOE may announce in a FEDERAL REGISTER notice.

§ 490.6 Petitions for generally applicable rulemaking.

(a) *Right to file.* Pursuant to 42 U.S.C. 7191 and 5 U.S.C. 553(e), any person may file a petition for generally applicable rulemaking under titles III, IV, and V of the Act with the DOE General Counsel.

(b) *How to file.* A petition for generally applicable rulemaking under this section shall be filed by mail or messenger in an envelope addressed to the Office of General Counsel, GC-1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

(c) *Content of rulemaking petitions.* A petition under this section must—

(1) Be labeled “Petition for Rulemaking Under 10 CFR Part 490”;

(2) Describe with particularity the terms of the rule being sought;

(3) Identify the provisions of law that direct, authorize, or affect the issuance of the rules being sought; and

(4) Explain why DOE should not choose to make policy by precedent through interpretive rulings, petitions for exemption, or other adjudications.

(d) *Determination upon rulemaking petitions.* After considering the petition and other information deemed to be appropriate, DOE may grant the petition and issue an appropriate rulemaking notice, or deny the petition because the rule being sought—

(1) Would be inconsistent with statutory law;

(2) Would establish a generally applicable policy in an area that should be left to case-by-case determinations;

(3) Would establish a policy inconsistent with the underlying statutory purposes; or

(4) For other good cause.

§ 490.7 Relationship to other law.

(a) Nothing in this part shall be construed to require or authorize sale of, or conversion to, light duty alternative fueled motor vehicles in violation of applicable regulations of any Federal, State or local government agency.

(b) Nothing in this part shall be construed to require or authorize the use of a motor fuel in violation of applicable regulations of any Federal, State, or local government agency.

APPENDIX A TO SUBPART A OF PART 490

Metropolitan Statistical Areas/Consolidated Metropolitan Statistical Areas With 1980 Populations of 250,000 or more

Albany-Schenectady-Troy MSA NY
 Albuquerque MSA NM
 Allentown-Bethlehem-Easton MSA PA
 Appleton-Oshkosh-Neenah MSA WI
 Atlanta MSA GA
 Augusta-Aiken MSA GA-SC
 Austin-San Marcos MSA TX
 Bakersfield MSA CA
 Baton Rouge MSA LA
 Beaumont-Port Arthur MSA TX
 Binghamton MSA NY
 Birmingham MSA AL
 Boise City MSA ID
 Boston-Worcester-Lawrence CMSA MA-NH-ME-CT
 Buffalo-Niagara Falls MSA NY
 Canton-Massillon MSA OH
 Charleston MSA SC
 Charleston MSA WV
 Charlotte-Gastonia-Rock Hill MSA NC-SC
 Chattanooga MSA TN-GA
 Chicago-Gary-Kenosha CMSA IL-IN-WI
 Cincinnati-Hamilton CMSA OH-KY-IN
 Cleveland-Akron CMSA OH
 Colorado Springs MSA CO
 Columbia MSA SC
 Columbus MSA OH
 Columbus MSA GA-AL
 Corpus Christi MSA TX
 Dallas-Fort Worth CMSA TX
 Davenport-Moline-Rock Island MSA IA-IL
 Dayton-Springfield MSA OH
 Daytona Beach MSA FL
 Denver-Boulder-Greeley CMSA CO
 Des Moines MSA IA
 Detroit-Ann Arbor-Flint CMSA MI
 Duluth MSA MN-WI
 El Paso MSA TX
 Erie MSA PA
 Eugene-Springfield MSA OR
 Evansville-Henderson MSA IN-KY
 Fort Wayne MSA IN
 Fresno MSA CA
 Grand Rapids-Muskegon-Holland MSA MI
 Greensboro-Winston Salem-High Point MSA NC
 Greenville-Spartanburg-Anderson MSA SC
 Harrisburg-Lebanon-Carlisle MSA PA
 Hartford MSA CT
 Hickory-Morganton MSA NC
 Honolulu MSA HI
 Houston-Galveston-Brazoria CMSA TX
 Huntington-Ashland MSA WV-KY-OH
 Indianapolis MSA IN
 Jackson MSA MS
 Jacksonville MSA FL
 Johnson City-Kingsport-Bristol MSA TN-VA
 Johnstown MSA PA
 Kalamazoo-Battle Creek MSA MI
 Kansas City MSA MO-KS
 Knoxville MSA TN
 Lakeland-Winter Haven MSA FL

Lancaster MSA PA
 Lansing-East Lansing MSA MI
 Las Vegas MSA NV-AZ
 Lexington MSA KY
 Little Rock-N. Little Rock MSA AR
 Los Angeles-Riverside-Orange County CMSA CA
 Louisville MSA KY-IN
 Macon MSA GA
 Madison MSA WI
 McAllen-Edinburg-Mission MSA TX
 Melbourne-Titusville-Palm Bay MSA FL
 Memphis MSA TN-AR-MS
 Miami-Fort Lauderdale CMSA FL
 Milwaukee-Racine CMSA WI
 Minneapolis-St. Paul MSA MN-WI
 Mobile MSA AL
 Modesto MSA CA
 Montgomery MSA AL
 Nashville MSA TN
 New London-Norwich MSA CT-RI
 New Orleans MSA LA
 New York-N. New Jersey-Long Island CMSA NY-NJ-CT-PA
 Norfolk-Virginia Beach-Newport News MSA VA-NC
 Oklahoma City MSA OK
 Omaha MSA NE-IA
 Orlando MSA FL
 Pensacola MSA FL
 Peoria-Pekin MSA IL
 Philadelphia-Wilmington-Atlantic City CMSA PA-NJ DE-MD
 Phoenix-Mesa MSA AZ
 Pittsburgh MSA PA
 Portland-Salem CMSA OR-WA
 Providence-Fall River-Warwick MSA RI-MA
 Raleigh-Durham-Chapel Hill MSA NC
 Reading MSA PA
 Richmond-Petersburg MSA VA
 Rochester MSA NY
 Rockford MSA IL
 Sacramento-Yolo CMSA CA
 Saginaw-Bay City-Midland MSA MI
 St. Louis MSA MO-IL
 Salinas MSA CA
 Salt Lake City-Ogden MSA UT
 San Antonio MSA TX
 San Diego MSA CA
 San Francisco-Oakland-San Jose CMSA CA
 San Juan MSA PR
 Santa Barbara-Santa Maria-Lompoc MSA CA
 Scranton-Wilkes Barre-Hazleton MSA PA
 Seattle-Tacoma-Bremerton CMSA WA
 Shreveport-Bossier City MSA LA
 Spokane MSA WA
 Springfield MSA MA
 Stockton-Lodi MSA CA
 Syracuse MSA NY
 Tampa-St. Petersburg-Clearwater MSA FL
 Toledo MSA OH
 Tucson MSA AZ
 Tulsa MSA OK
 Utica-Rome MSA NY
 Washington-Baltimore CMSA DC-MD-VA-WV